



FACT SHEET

WETLANDS #5

Office of Water Resources / Spring 2000

FRESHWATER WETLAND APPLICATION TYPES

Introduction

The Department of Environmental Management's (DEM) Freshwater Wetlands Program completes eight different kinds of application reviews. Each of the eight application types is geared to a very specific purpose. The type of application a property owner prepares depends upon what his or her objectives are. This Fact Sheet presents and briefly explains the purposes of each of the application types. Once you determine which application best suits your needs, you can find details about the submittal requirements in the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*. DEM recommends that you, as the property owner and applicant, be familiar with the application requirements even if a professional consultant prepares the application package for you. Pre-application assistance is available from the DEM Office of Technical and Customer Assistance at (401) 222-6800.

Request to Determine the Presence of Wetlands (Rule 9.02B)

The purpose of the *Request to Determine the Presence of Wetlands* application is to learn from DEM whether there are freshwater wetlands on your property. You as the property owner are required to submit an application form, property plan, and fee check, and in response you will receive a "determination" letter from DEM that describes the types of wetlands on your property, if any, and their approximate locations. This "determination" will give you an overall picture of the future development possibilities for your property and it is valid for 4 years. It is important to note that DEM will not determine or flag the exact edges of the wetlands for you. Persons who are considering buying property (and who want to know if there are wetlands) also often use this application type, but it is important to note that they have to arrange for the current property owner to sign the application form.

Request to Verify Delineated Edge of Wetlands (Rule 9.02)

The *Request to Verify Delineated Edge of Wetlands* application is used by property owners who already know they have wetlands. The property owner hires a private wetland consultant to determine and flag the exact edges of the wetlands and a surveyor to illustrate the wetland edges on a property plan. The application form, wetland edge plan, and fee check are submitted to DEM, and in response a DEM wetland biologist will visit the property and verify the accuracy of the flagged wetland edges. DEM will issue the applicant (property owner) a "verification" letter describing the types of wetlands on the property and, if necessary, any minor changes that may be required to consider the wetland flagging accurate and verified. If DEM requires major changes to the flagged wetland edges completed by your consultant, a revised plan may be requested before the "verification" letter will be finalized. This verified wetland edge is then illustrated on permit application plans submitted to DEM. DEM finds that having a verified wetland edge allows for more effective pre-application meetings, and it also speeds up the permit application review process. A verified wetland edge is valid for four years.

Request for Preliminary Determination (Rule 9.03)

The most common application, *Request for Preliminary Determination* (PD), is used when a property owner proposes a project in or near a wetland, and may require a freshwater wetlands permit. The applicant is required to complete fieldwork and to illustrate the existing conditions (including wetland edge) and the proposed project on an engineering plan. There are three possible outcomes from the *Preliminary Determination* application: 1) a determination of "non-jurisdiction," meaning the project as presented is outside of DEM's jurisdiction and does not require a permit; 2) a

determination of “insignificant alteration,” meaning that, despite the fact that a wetland alteration is proposed, it is considered *insignificant* and a permit, with conditions, is issued for the project; or 3) a determination of “significant alteration,” meaning the proposed wetland alteration is considered to be *significant*, and a permit must be sought via an *Application to Alter a Freshwater Wetland*. Determinations of non-jurisdiction and insignificant alteration are valid for 4 years. An insignificant alteration permit can be renewed for 1 additional 2-year period.

Application to Alter a Freshwater Wetland (Rule 9.05)

An *Application to Alter a Freshwater Wetland* (“formal” application) is used by a property owner to obtain a permit for a proposed project that includes a significant alteration to wetlands. This is the most involved application type, requiring technical information and reports not required for the *Request for Preliminary Determination* application. In addition, the DEM review requires a 45 day public notice period. Under most circumstances DEM recommends that an applicant submit a *Preliminary Determination* application first to determine with certainty whether the proposed wetland alterations are indeed significant. Some applicants are certain that their proposal is significant and begin with the *Application to Alter*. As a result of an *Application to Alter* DEM will either grant a permit to complete the proposed project, or in some cases DEM may deny the application. In the case of a denial, DEM may suggest ways to modify the project so it can be permitted. An *Application to Alter* permit is valid for 1 year and it can be renewed for 3 additional 1-year periods.

Application for Renewal (Rule 9.07)

An *Application for Renewal* must be submitted to DEM if your project will not be completed before the permit expires. The length of time a permit is valid is specified in the permit letter. The *Application for Renewal* is easy to prepare and should be submitted to DEM 60 days prior to the permit expiration date. If construction work has started on the project, DEM will conduct a field inspection to confirm compliance with the permit conditions and the approved site plans before issuing a permit renewal.

Application for Permit Transfer (Rule 9.08)

An *Application for Permit Transfer* is submitted by persons who have purchased property for which there is a valid DEM freshwater wetlands permit. For the permit to remain valid you as the new property owner must have the permit transferred into your name. A copy of the deed of property transfer, certified by the city or town hall, and a fee check must accompany the *Application for Permit Transfer*.

Application for Permit Modification (Rule 9.09)

An *Application for Permit Modification* must be submitted to DEM if you have a valid wetlands permit and you propose minor changes to your project. You may have received a permit for a project only to find that it cannot be built exactly as you proposed. Perhaps the septic system cannot be installed where planned, or you may want your house located in a different area. You would represent the changes on a plan and submit it to DEM for review as an *Application for Permit Modification*. It is important to keep in mind that the project modifications cannot result in an increase in wetland impacts or change the purpose of the original approved project. If either of these situations is the case, a new permit will be required through a new *Request for Preliminary Determination* application or an *Application to Alter*.

Change in Owner During Application Processing (Rule 8.06)

When a transfer of property occurs while any type of application is still under DEM’s review, the new property owner must submit an application for *Change in Owner During Application Processing*. This application must be filed within 60 days of the change in ownership and must be accompanied by a signed application form, a copy of the deed transfer, and a fee check.

How Can I Obtain a Copy of DEM's Wetlands Rules and Regulations?

A copy of the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* can be obtained from DEM’s Office of Technical and Customer Assistance located at the Foundry Office Complex at 235 Promenade Street, Providence or on DEM’s website at <http://www.state.ri.us/dem>. You can call the Office of Technical and Customer Assistance at (401) 222-6800.

Disclaimer: This Fact Sheet is for general information purposes only and is not meant to be a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.